

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:97-CR-116 CAS
)
 JEFFREY TODD BLACKWELL,)
)
 Defendant.)

ORDER

Defendant has filed a pro se motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2).

For the following reasons, the motion will be denied.

Based on the record, the Court finds that defendant pleaded guilty to one count of possession with intent to distribute in excess of 50 grams cocaine base (crack), 21 U.S.C. § 841(a)(1) and one count of being a felon in possession of a firearm, 18 U.S.C. § 922(g). Pursuant to Section 4B1.1 of the United States Sentencing Guidelines (“USSG”), defendant was considered a career offender. The ordinary base offense level based on his drug quantity under USSG § 2D1.1(c) was a level 32. The alternative career offender calculation based on the statutory maximum sentence under § 4B1.1(A) was a level 37. After receiving a three-level acceptance of responsibility adjustment, defendant was sentenced under the higher career offender guideline at a final offense level of 34 with a sentencing range of 262 to 327 months. On December 12, 1997, the Court sentenced defendant to a term of imprisonment of 295 months on Count I and 120 months on Count II, to be served concurrently.

Although the Sentencing Commission lowered the offense levels in USSG § 2D1.1(c) related to crack cocaine, it did not lower the sentencing range for career offenders under USSG § 4B1.1, which is what set defendant’s sentencing range. Because defendant was not sentenced based on a

sentencing range that has since been lowered, he has not met the eligibility requirements for a reduction of his sentence under 18 U.S.C. § 3582(c)(2). See United States v. Tingle, 524 F.839, 840 (8th Cir. 2008) (finding appellant ineligible for relief under retroactive amendments because he was sentenced as a career offender).

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) is **DENIED**. [Doc. 76]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 1st day of July, 2008.